

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

580I0382

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1120** - 02/13/2003

Introduced by: Representatives Van Etten, Adelstein, Buckingham, Christensen, Cradduck, Cutler, Glenski, Haverly, Hennies, Kraus, McCaulley, McCoy, McLaughlin, Murschel, Rave, Thompson, Wick, and Williamson and Senators Vitter, Abdallah, Duniphan, Ham, and McCracken

1 FOR AN ACT ENTITLED, An Act to require that counties be reimbursed for housing persons
2 sent to county jail in lieu of the penitentiary.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-6-1.1 be amended to read as follows:

5 22-6-1.1. If a person is convicted of a Class 5 or Class 6 felony, the court may sentence the
6 person so convicted to imprisonment in the county jail of the county where such person was
7 convicted, for a term of not more than one year. The state shall reimburse any county of this
8 state for the expenses the county incurs for housing such person. However, the reimbursement
9 may not exceed fifty dollars per day. Upon receipt of the bill, the state shall make reimbursement
10 within thirty days.

11 Section 2. That § 23A-27-18.1 be amended to read as follows:

12 23A-27-18.1. The conditions of probation imposed pursuant to § 23A-27-12 or 23A-27-13
13 or the conditions of suspension of execution imposed pursuant to § 23A-27-18, may include the
14 requirement that the defendant be imprisoned in the county jail for a specific period not



1 exceeding one hundred eighty days or in the state penitentiary for a specific period not exceeding
2 one hundred eighty days or the sentence which was imposed or which may be imposed by law,
3 whichever is less. The imprisonment may be further restricted to certain days specified by the
4 court as part of such conditions. Any such imprisonment, either in the county jail or state
5 penitentiary, shall be credited toward any incarceration imposed upon any subsequent revocation
6 of a suspended imposition or execution of sentence. During any such imprisonment the defendant
7 shall be subject to all policies, rules, and regulations of the county jail or state penitentiary. The
8 state shall reimburse any county of this state for the expenses the county incurs for housing such
9 person. However, the reimbursement may not exceed fifty dollars per day. Upon receipt of the
10 bill, the state shall make reimbursement within thirty days.